UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KEITH SPENCER,

Plaintiff,

vs.

FIRST FEDERAL BANK, et al.,

Defendant.

CASE NO. 08cv0942 DMS (LSP)

ORDER (1) DENYING MOTION TO PROCEED *IN FORMA PAUPERIS*, (2) DISMISSING CASE WITHOUT PREJUDICE AND (3) DENYING MOTIONS TO DISMISS AS MOOT

[Docket Nos. 2, 3, 5]

Plaintiff, proceeding *pro se*, has submitted a 28-page document that appears to be a civil complaint. Along with his complaint, Plaintiff has filed a motion to proceed *in forma pauperis*.

The Court finds that Plaintiff's declaration of inability to pay costs or give security is insufficient to permit him to proceed *in forma pauperis*. Specifically, Plaintiff states he is currently employed and earns an average of $1,500.00 per month. Although Plaintiff has monthly expenses, it appears his wife pays at least half of those expenses. It also appears Plaintiff has a primary residence worth $500,000, as well as a 1987 Mercedes Benz, which he owns outright. In light of this information, IT IS HEREBY ORDERED that Plaintiff's motion to proceed *in forma pauperis* is DENIED and the Complaint is DISMISSED without prejudice.[1] Pursuant to this Order, however, Plaintiff is granted 30 days leave to pay the $350 filing fee required to maintain this action pursuant to 28 U.S.C. § 1914, or to submit additional documentation regarding his economic status. **IF**

[1] In light of the dismissal, the pending motions to dismiss are denied as moot.

PLAINTIFF CHOOSES TO FILE ADDITIONAL INFORMATION REGARDING HIS POVERTY, HE MUST ATTACH A COPY OF THIS ORDER.

IT IS SO ORDERED.

DATED: July 16, 2008

HON. DANA M. SABRAW
United States District Judge